

Attachment 5



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI: CPD
NUMBER: 5251.05
DATE: 12/31/98
SUBJECT: Inmate Work and
Performance Pay

Rules Effective Date: 12/7/98

1. [PURPOSE AND SCOPE \$545.20

a. The Bureau of Prisons operates an inmate work program within its institutions. To the extent practicable, the work program:

(1) Reduces inmate idleness, while allowing the inmate to improve and/or develop useful job skills, work habits, and experiences that will assist in post-release employment; and

(2) Ensures that activities necessary to maintain the day-to-day operation of the institution are completed.

Sentenced inmates who are physically and mentally able to work are required to participate in the work program. When approved by the Warden or designee, drug treatment programming, education, or vocational training may be substituted for all or part of the work program.

b. The Warden may recognize an inmate's work performance or productive participation in specified correctional programs by granting performance pay.]

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Each physically and mentally able inmate will be assigned to a work program and perform a work activity that contributes to the orderly operation of the institution.

[Bracketed Bold- Rules]

Regular Type - Implementing Information

c. Rules cited in this Program Statement are contained in 28 CFR 545.20-31 and in 28 CFR 39.103.

4. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4265, 3-4394, 3-4395, 3-4396, 3-4397, 3-4398, 3-4400, 3-4403, 3-4404, 3-4407

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3E-04, 3-ALDF-5A-01, 3-ALDF-5A-02, 3-ALDF-5A-03, 3-ALDF-5A-04, 3-ALDF-5A-05, 3-ALDF-5A-06, 3-ALDF-5A-07, 3-ALDF-5A-08, 3-ALDF-5A-09, 3-ALDF-5A-10, 3-ALDF-5A-12, 3-ALDF-5A-13, 3-ALDF-5A-18, 3-ALDF-5A-19

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-5A-01

d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-3D-04, 1-ABC-5A-01, 1-ABC-5A-02, 1-ABC-5A-03, 1-ABC-5A-07, 1-ABC-5A-07

5. PRETRIAL/HOLDOVER AND/OR DETAINEE PROCEDURES. Procedures specified in this Program Statement do not apply to pretrial and INS Detainees, unless the inmate waives his or her right not to work. The handling of holdover inmates in regard to the Inmate Work and Performance Pay Program shall be addressed in the Institution Supplement at the Warden's discretion. Additional information regarding the management of these inmates is contained in the Program Statement on Pretrial Inmates.

6. [DEFINITIONS §545.21

a. Physically and Mentally Able. For purposes of this rule, this shall include inmates with disabilities who, with or without reasonable accommodation, can perform the essential function of the work assignment.]

A more comprehensive definition of a physically and mentally able inmate is contained within 28 CFR 39.103.

- (1) Number of inmates on each work detail;
- (2) Number of pay grades in each detail;
- (3) Job descriptions;
- (4) Performance standards;
- (5) Budgeting for special act awards; and,
- (6) Bonus pay/special bonus pay procedures.]

The Inmate Work and Performance Pay Committee ensures that the institution complies with all Program Statement requirements.

8. [INMATE WORK/PROGRAM ASSIGNMENT §545.23

a. Each sentenced inmate who is physically and mentally able is to be assigned to an institutional, industrial, or commissary work program. Exception shall be made to allow for inmate participation in an education, vocational, or drug abuse treatment program, on either a full or part-time basis, where this involvement is mandated by Bureau policy or statute (for example, the Literacy Program). Where such participation is not required by either policy or statute, exception may be made to allow an inmate to participate in an education, vocational, or drug abuse treatment program rather than work full-time upon the request of the inmate and approval of the Warden or designee.]

The inmate's unit classification team ordinarily makes work and program assignments.

[b. A pretrial inmate may not be required to work in any assignment or area other than housekeeping tasks in the inmate's own cell and in the community living area, unless the pretrial inmate has signed a waiver of his or her right not to work (see 28 CFR part 551, subpart J).]

28 CFR part 551, Subpart J is referenced in the Program Statement on Pretrial Inmates. Although pretrial inmates are not required to work, an option is available to them via the Prison System Pretrial Inmate Work Waiver/Notice of Separation form (BP-S203) (Attachment A) in the Program Statement on Pretrial Inmates.

[c. Medically unassigned inmates may be required, to the extent medically possible, to perform housekeeping tasks in the inmate's own cell and in the community living area.